

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JUANA HERNANDEZ, AS )	
ADMINISTRATRIX OF THE )	
ESTATE OF DANNY NICACIO )	
and ARMANDO MAISONET, )	
) )	
Plaintiffs,             ) )	
) )	
v.                     ) )	CIVIL ACTION NO. 05-40141-FDS
) )	
SCOTTSDALE INSURANCE ) )	
COMPANY and UTICA ) )	
MUTUAL INSURANCE ) )	
COMPANY,              ) )	
) )	
<u>Defendants.</u> ) )	

**LOCAL RULE 7.1 (A) (2) CERTIFICATION**

I, Caryn L. Daum, counsel for the Defendant, Scottsdale Insurance Company, hereby certify I, on behalf of Scottsdale Insurance Company and the co-defendants, Utica Mutual Insurance Company, conferred with counsel for the plaintiff, Robert Beadel, on December 14, 2005 about obtaining assent to file the within motion. Attorney Beadel informed me he would check with his colleague, Attorney Hector Piniero, and would get back to me. After not receiving a response from Attorney Beadel, I left a voicemail message for Attorney Piniero on January 4, 2006, but never received a response to my message. Both times I made a good faith effort to resolve and narrow the matters at issue concerning the *Defendants' Motion for Leave to Supplement Their Reply in Support of Their Joint Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), or to Stay Action If Not Dismissed in its Entirety.*

Respectfully submitted,

Scottsdale Insurance Company,  
By Its Attorneys,

/s/ Caryn L. Daum

John W. Steinmetz (BBO #568108)  
Caryn L. Daum (BBO #647001)  
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One Boston Place  
Boston, MA 02108  
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Dated: January 6, 2006

**CERTIFICATE OF SERVICE**

I, Caryn L. Daum, hereby certify that a true and accurate copy of the foregoing document was served by first-class mail, postage prepaid, on this 6<sup>th</sup> day of January, 2006, upon:

Héctor E. Piñeiro, Esq.  
Robert Beadel, Esq.  
Law Office of Héctor E. Piñeiro  
807 Main Street  
Worcester, MA 01610

/s/ Caryn L. Daum  
Caryn L. Daum